

Title 35-A: PUBLIC UTILITIES
Chapter 67: CONDEMNATION BY WATER UTILITIES

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Maine Revised Statutes
Title 35-A: PUBLIC UTILITIES
Chapter 67: CONDEMNATION BY WATER UTILITIES

§6701. NECESSITY OF TAKING DETERMINED

The owner of property which is subject to appropriation for public purposes by a water utility, upon hearing, may have the commission determine the necessity of the appropriation. [1987, c. 490, Pt. B, §17 (RPR).]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1987, c. 490, §B17 (RPR).

§6702. PETITION BY OWNER

The owner of the property, within 30 days after the beginning of condemnation proceedings, may file with the commission a petition for a decision as to the necessity of the appropriation. A copy of the petition and order of notice, attested by the administrative director, shall be served on the defendant. [1987, c. 490, Pt. B, §17 (RPR).]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1987, c. 490, §B17 (RPR).

§6703. PROCEEDINGS BEFORE COMMISSIONERS

1. Hearing. The commissioners shall fix a time for a hearing, inside the county where the property is situated, and give written notice of the hearing to the owner and to the water utility seeking to acquire the property. At the hearing, all parties in interest shall be heard either in person or by attorney, and witnesses may be summoned by either party and attendance compelled as before other judicial tribunals.

[1987, c. 490, Pt. B, §17 (RPR) .]

2. Burden of proof. The burden of proof to show the necessity of the particular taking rests on the party seeking to acquire the property.

[1987, c. 490, Pt. B, §17 (RPR) .]

3. Commission's decision. The decision of a majority of the commissioners is final as to questions of fact.

[1987, c. 490, Pt. B, §17 (RPR) .]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1987, c. 490, §B17 (RPR).

§6704. CONDEMNATION PROCEEDINGS BY WATER UTILITY

Upon the commencement of condemnation proceedings, the utility seeking to acquire property, unless otherwise provided by law, may file a petition asking that the necessity of the taking be determined. After the petition is filed, the proceedings shall be the same as in the case of a petition by the landowner. [1987, c. 490, Pt. B, §17 (RPR).]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1987, c. 490, §B17 (RPR).

§6704-A. NOTICE REQUIREMENTS FOR TAKING OF LAND FOR WATER TREATMENT FACILITIES

A water utility that proposes to initiate condemnation proceedings for the purpose of acquiring land for the construction of a water treatment facility shall: [1989, c. 789, (NEW).]

1. Notice to public. No less than 90 days prior to the initiation of condemnation proceedings, provide notice to the public stating that the construction of a water treatment facility is being considered and identifying the area or areas that are being considered for that construction by publication in a newspaper of general circulation in the county and affected area in which the property is located;

[1989, c. 789, (NEW) .]

2. Notice to municipal officers. No less than 60 days prior to the initiation of condemnation proceedings, provide written notice to the municipal officers of each municipality in which the land proposed to be taken by eminent domain is located. This notice must state clearly that the construction of a water treatment facility is being considered and identify the area or areas that are being considered for that construction; and

[1989, c. 789, (NEW) .]

3. Notice to landowners. No less than 60 days prior to the initiation of condemnation proceedings, provide written notice to each owner and all abutters of land proposed to be taken by eminent domain. This notice must state that the construction of a water treatment facility is being considered and identify the area or areas that are being considered for that construction. This notice must also state clearly in nontechnical language the rights of each landowner in the proposed condemnation proceedings, including any rights of appeal, and provide the name, address and telephone number of the appropriate state agency to assist the landowner in the proceedings.

[1989, c. 789, (NEW) .]

SECTION HISTORY

1989, c. 789, (NEW).

§6705. VALIDATION OF PROCEEDINGS

All plans and descriptions of land and all descriptions of other property taken by a water utility for its purposes and uses, filed in the office of the county commissioners of the county where the land or other property is situated, prior to March 9, 1889, are valid and legal for all purposes of taking. [1987, c. 490, Pt. B, §17 (RPR).]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1987, c. 490, §B17 (RPR).

§6706. WATER UTILITY LINE CROSSING RAILROAD RIGHT-OF-WAY

Wherever a line or main of a water utility is located and about to be constructed across the right-of-way of a railroad, unless the officers of the water utility agree with the corporation operating the railroad as to the time, place, manner and conditions of the crossing, the commission upon petition of either party, after notice and hearing, shall determine the time, place, manner and conditions of the crossing. All the work within the limits of the railroad shall be done under the supervision of the officers of the corporation operating the railroad and to the satisfaction of the commission. The water utility shall bear the expense of the work. The commission shall report its decision in the same manner as in the case of highways located across railroads and subject to the same right of appeal. [1987, c. 490, Pt. B, §17 (RPR).]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1987, c. 490, §B17 (RPR).

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